

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA REAL ESTATE CORP.,

Plaintiff,

vs.

RAMON WU, et al.,

Defendants.

Case No. 2:12-cv-01896-GMN-PAL

ORDER

Before the court is Defendants Chun Mei Xiao and O'Harmony Realty LLC's Motion to Deem Requests for Admissions Served on Cross-Defendant Ramon Wu Admitted (Dkt. #23). The motion was filed April 4, 2013. No opposition was filed and the time for filing a response has now run.

Defendants seek an order deeming Cross-Defendant Raymond Wu's failure to timely respond to Request for Admissions served by mail January 29, 2013, admitted. The responses were due March 4, 2013. The motion represents that the responses were not received. Wu did not file a response to the motion and the time for filing a response has now run.


This motion was unnecessary. By operation of law, the requests for admissions were deemed admitted "unless, within thirty days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney." Fed. R. Civ. P. 36(a)(3). A matter admitted under Rule 36 "is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended." Rule 36(b). Wu's failure to timely serve responses to the request for admissions deems the matters admitted. Any matter "thus admitted is conclusively established unless the court, on motion, permits withdrawal or amendment of the admission." *Hadley v. United States*, 45 F.3d, 1345, 1348 (9th Cir. 1995).

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1 There being no motion to withdraw or amend the admissions, the time for filing a response to
2 the request for admissions, and to file a response to this motion having run,

3 **IT IS ORDERED** Defendants' Motion to Deem Requests for Admissions Served on Cross-
4 Defendant Raymond Wu Admitted is **DENIED as moot**. The requests are admitted by operation of
5 law and conclusively established unless the court, on motion, permits withdrawal or amendment of the
6 admissions.

7 Dated this 6th day of May, 2013.

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10 Peggy A. Leen
11 United States Magistrate Judge
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